

# The Changing Tides of Data Protection Regulation and Enforcement in Europe

**Brian Daigle and Mahnaz Khan**

## Abstract

The European Union's General Data Protection Regulation (GDPR) is a comprehensive data protection and privacy framework implemented in May 2018. This paper analyzes the change in enforcement trends during the period from May 2018 to December 2021 across the European Union and within seven countries that are the largest EU GDPR enforcers: United Kingdom, France, Germany, Italy, Ireland, Luxembourg, and Spain. It examines GDPR enforcement trends from three different perspectives: 1.) the value, quantity, and severity of GDPR-related fines both across Europe and within each country, 2.) the GDPR provisions most frequently invoked when an EU data protection authority imposes a fine for non-compliance, and 3.) the sectors most heavily impacted for GDPR non-compliance. Using data from over 900 fines issued to date, several trends have recently emerged: the European Union has accelerated the issuance of fines, evidenced by the fact that the value of GDPR fines have quadrupled in the last year relative to the previous two years (totaling €1.32 billion to date). Further, countries that were previously less active in issuing fines initially, such as Ireland and Luxembourg, are now the forerunners in issuing substantial fines for GDPR non-compliance. Conversely, the United Kingdom, once the leader in issuing the largest fines across Europe, has declined in its issuance of fines for non-compliance relative to other major regulatory authorities. This paper also notes the impact the EU GDPR continues to have on U.S. headquartered firms, particularly in the technology sector. In addition, certain EU members such as Germany, France, and Ireland have also branched out enforcement during this period to focus on large domestic firms or certain industry sectors such as e-commerce/retail, telecom services, medical services, and even government agencies.

# U.S. International Trade Commission

## **The Changing Tides of Data Protection Regulation and Enforcement in Europe**

**Brian Daigle and Mahnaz Khan**

Office of Industries

U.S. International Trade Commission (USITC)

February 2022

The author is staff with the Office of Industries of the U.S. International Trade Commission (USITC). Office of Industries working papers are the result of the ongoing professional research of USITC staff. Working papers are circulated to promote the active exchange of ideas between USITC staff and recognized experts outside the USITC, and to promote professional development of office staff by encouraging outside professional critique of staff research.

This paper represents solely the views of the author and is not meant to represent the views of the U.S. International Trade Commission or any of its Commissioners. Please direct all correspondence to Brian Daigle and Mahnaz Khan, Office of Industries, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone: 202-205-2046, email: [mahnaz.khan@usitc.gov](mailto:mahnaz.khan@usitc.gov); [brian.daigle1@gmail.com](mailto:brian.daigle1@gmail.com).

The author would like to thank James Stamps for providing constructive comments and guidance, and Byron Barlow for his production support.

# **The Changing Tides of European Union's General Data Protection Regulation Enforcement Trends**

February 2022  
No. ID-22-079



## Introduction

Since May 2018, the European Union's General Data Protection Authority (GDPR) has governed the protection of personal data and the privacy rights of individuals online for residents of the 27 countries in the EU, the three European Economic Area (EEA) member states not part of the EU (Norway, Liechtenstein, and Iceland), and the United Kingdom until the country formally exited the EU.<sup>1</sup> GDPR is a comprehensive data protection and privacy law that applies to all residents across the EU, however, enforcement lies principally with national (or sometimes regional) data protection authorities (DPAs) according to where violations occur and where companies are headquartered. Effective January 1, 2021, the United Kingdom withdrew from the European Union but incorporated GDPR into its domestic law as the UK GDPR; as a result, though the UK is not bound by the EU-wide data protection bodies such as the European Data Protection Board, the UK largely governs by the same provisions as the EU and EEA member states.<sup>2</sup> Using data primarily from the Paris-headquartered international law firm CMS, this paper explores GDPR enforcement trends among these European DPAs.<sup>3</sup>

With respect to fines issued by data protection authorities for GDPR non-compliance, the regulation allows for DPAs to assess fines on companies up to €20 million (\$22.6 million) or 4 percent of a company's worldwide annual revenue, depending on the severity of the violation and which GDPR provision (referred to in the law as an article) is violated. GDPR applies to any company or firm, regardless of geographic location, that processes personal data of EU residents, even if these firms are not physically located in the EU or processing takes place on servers located outside the EU.<sup>4</sup>

In September 2019, the authors released a short interim publication on GDPR fines analyzing enforcement trends after the GDPR had been implemented for one year, and subsequently released a second more lengthy report in June 2020 exploring GDPR fines issued between May 2018 and March 2020.<sup>5</sup> With respect to this latter publication, the authors analyzed 107 fines exceeding €10,000 during this two-year period, with a combined value of €470 million, and identified 11 fines issued that was more than €1 million. Both publications showed that Western European countries such as the UK (before Brexit), France, and Germany appeared to be aggressive in imposing larger fines and initiating

---

<sup>1</sup> European Union member states are Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden. The GDPR was subsequently incorporated in the EEA legislation as of July 18, 2018, and then extended to three EEA countries include Iceland, Liechtenstein, and Norway. This paper also examines trends within the United Kingdom, which was part of the EU before January 1, 2021. Investopedia, "European Economic Area (EEA) Agreement," accessed December 2, 2021.

<sup>2</sup> ICO, UK ICO, "The UK GDPR," November 24, 2021.

<sup>3</sup> While there are a variety of actions taken by data protection authorities to ensure regulatory compliance, including the publication of guidance documents, internal discussions with firms using personal data, and orders that non-compliant firms halt certain practices in order to be GDPR-compliant, this paper will focus exclusively on the issuance of monetary fines for GDPR non-compliance. When noting "enforcement" in this report, the authors are primarily referencing monetary fines for non-compliance. CMS, "GDPR Enforcement Tracker - List of GDPR Fines," 2021.

<sup>4</sup> EU GDPR, Article 3, "Territorial Scope," effective May 25, 2018.

<sup>5</sup> See Daigle and Khan, "The EU General Data Protection Regulation: An Analysis of Enforcement Trends by EU Data Protection Authorities," *Journal of International Commerce and Economics*, June 2020; Daigle and Khan, "One Year In: GDPR Fines and Investigations Against U.S.-Based Firms," September 2019, 2.

investigations, often against U.S. tech companies. In contrast, Eastern European DPAs issued smaller fines focused mainly on domestic firms within their own countries.<sup>6</sup>

This report looks at the trends in GDPR enforcement among data protection authorities in the EU, EEA, and United Kingdom covering the entire period from May 2018 (when GDPR entered into force) to December 2021 (subject period), and similar to the June 2020 publication will focus primarily on fines exceeding €10,000. During this period, fines by EU and EEA members have ranged significantly based on EU data protection authorities. Over the course of this three-and-a-half-year period, authors identified more than 470 fines higher than €10,000 from 27 data protection authorities, with a combined monetary value of €1.32 billion (\$1.49 billion). These fines represent a quadrupling in the total volume of fines and a tripling in the monetary value of fines issued since March 2020 (the period of the June 2020 publication). Additionally, there are now 42 fines in excess of €1 million, a nearly three-fold increase between March 2020 and December 2021.

This paper seeks to put different lenses on GDPR enforcement trends in Europe, primarily through the number and value of fines issued, the sectors most affected, the GDPR provisions enforced by DPAs, and multinational firms affected by enforcement. First, the paper begins with a broad EU-wide exploration of fines issued during this period and notes which provisions of GDPR appear to be most frequently cited by data protection authorities. The paper then continues with an analysis of enforcement trends by industry sector. The paper then continues with an exploration of GDPR enforcement trends against U.S.-headquartered firms, which represents more than 80 percent of the monetary value of all fines issued by DPAs during the subject period. The paper then concludes with a brief analysis of enforcement trends by major DPA enforcement bodies in Luxembourg, Ireland, Germany, France, Italy, Spain, and the United Kingdom.<sup>7</sup>

## Europe-wide GDPR Enforcement Trends

Since GDPR went into force in May 2018, the 31 countries which fall under its jurisdiction have issued more than 900 fines with a combined monetary value of more than €1.32 billion (\$1.49 billion). Among these fines, approximately half exceed €10,000, while nearly 450 were below €10,000 (combined, these latter fines represented less than one-half of 1 percent of the total fines issued by DPAs).

Analysis of GDPR trends indicates that there are a cluster of GDPR articles that are most often cited when an enforcement fine is issued by a DPA, suggesting that the European countries subject to the regulation strongly value certain aspects of GDPR associated specifically with the rights of online users (often referred to as data subjects) and the protection of their data. Looking specifically at the GDPR articles identified by DPAs as being in violation, the five most likely to be identified are articles 5, 6, 12, 13, and 32 (table 1).<sup>8</sup> This aligns with the authors' June 2020 publication and confirms that early enforcement trends appear to be persisting throughout 2020 and 2021.

---

<sup>6</sup> Daigle and Khan, "The EU General Data Protection Regulation: An Analysis of Enforcement Trends by EU Data Protection Authorities," *Journal of International Commerce and Economics*, June 2020; Daigle and Khan, "One Year In: GDPR Fines and Investigations Against U.S.-Based Firms," September 2019, 2.

<sup>7</sup> Appendix A provides a brief exploration of fines for each EU or EEA member state not covered in this paper.

<sup>8</sup> In some instances, data protection authorities did not disclose what articles were violated. Notably, Luxembourg's data protection authority did not identify the circumstances that led to its issuing a €746 million euro fine to Amazon, a single fine which currently represents approximately 57 percent of the total value of all fines issued by DPAs. As a result, analysis of article violations is constrained to the €546.5 million in fines for which articles violations were identified directly by the relevant DPAs.

**Table 1** Most frequently articles found to be in violation when issuing GDPR fines

Article	Article type	Article description	Number of fines <sup>a</sup>	Fines associated with article violations <sup>a</sup>
5	Principles of GDPR	Principles relating to processing of personal data: among other things, requires data to be processed lawfully, fairly and in a transparent manner	254	€400.7 million
6	Principles of GDPR	Lawfulness of processing has six grounds for legal processing of data subjects’ information: consent, necessary pursuant to a contract, compliance with legal obligations, protecting vital interests, and purpose is a legitimate interest by the controller or processor unless it encroaches on a fundamental right or freedom of the data subject.	194	€223.4 million
32	Obligations of Controllers and Processors	Relates to security of processing where the controller and processor must ensure a level of security appropriate to the risk. Often data breaches are a violation of this provision.	140	€76.1 million
13	Rights of Data Subject	Information to be provided where personal data are collected from the data subject	55	€266.2 million
12	Rights of Data Subject	Transparent information, communication and modalities in the exercise of rights of the data subject. For example, controller must provide information in a concise, transparent, intelligible and easily accessible form, using clear and plain language, and provide information on action taken on request by and to the data subject within one month.	44	€261.0 million
Total fines under major GDPR article violations <sup>b</sup>			465	€ 553.4 million

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021, author calculations.

Notes: <sup>a</sup>For both the number of fines as well as fines associated with article violations, there are many instances where multiple articles were violated in the issuance of a single fine. Therefore, both the number of fines as well as fines associated with article violations should not be viewed as cumulative as there may be fines associated with two or several of the articles listed here.

<sup>b</sup>There are several fines for which data protection authorities do not identify which articles were violating in issuing their fine. Therefore, those fines are excluded from the total number of fines as well as the total value of fines.

Among the fines issued by DPAs exceeding €10,000, the vast majority (70.8 percent) identified at least one violation of articles 5 through 9 (the “Principles” articles). These articles identify the principles relating to the processing of personal data (article 5), the lawfulness of processing (article 6), conditions for consent and the consent of children (articles 7 and 8) and processing special categories of data (article 9). Among these articles, article 5 was found to be in violation in more than half of the fines issued between May 2018 and December 2021 and more than 73 percent of the monetary value of fines for which article violations were identified, though often with additional violations cited in conjunction with article 5.

Although fines issued for violating the rights of data subjects (identified in chapter 3 under articles 12 through 23) occur less frequently than fines for violating general principles and obligations for controllers and processors of data (chapter 4, articles 24-43), DPAs appear to be placing a greater regulatory scrutiny on data subject right violations. The fine for a GDPR violation that identifies the violation of a data subject’s right (articles 12 and 13) is on average more than double the fines associated with violations for general principles (articles 5 and 6) or the obligations of controllers and processors (article 32).

Concerning the obligations of data controllers and processors, by far the most frequently cited article violation is article 32, which governs the necessary measures controllers and processors must take in order to demonstrate that they have taken adequate precautions to protection data subjects' personal data. This includes best practices such as pseudonymization and encryption of data, ensuring confidentiality and integrity of systems, restoring access to personal data following an incident (often a data breach), and regular testing to ensure effectiveness. Article 32 violations are the third most frequently cited violations by DPAs and are associated with nearly €80 million in fines during the subject period. This demonstrates a continuing interest among DPAs in ensuring regulatory compliance of the data breach provisions of GDPR, a cornerstone element of the law.

## GDPR Enforcement Trends by Industry Sector

From a European-wide perspective, the data suggest that there is a trend towards issuing very significant fines against multinational e-commerce/retail firms which violate GDPR provisions; fines issued against the e-commerce/retail sector constitute more than 60 percent of the value of all fines issued by European DPAs. While the €746 million fine issued by Luxembourg to U.S. firm Amazon's Europe affiliate office substantially increased the impact of GDPR fines on the e-commerce sector (discussed further in the Luxembourg section below), though this was not the first nor the only fine to impact the industry. In December 2020 Germany's Hamburg Data Protection Authority fined Sweden-headquartered clothing retailer H&M's online shop €35.3 million for GDPR violations, while France's data protection authority fined France-headquartered e-commerce and retail firm Carrefour €2.5 million for violating several GDPR provisions.

After e-commerce/retail firms, multinational internet services firms constitute a substantial portion of the value of GDPR fines; mainly all of these firms (with the exception of one firm) are based in the United States and have global platforms. Leading with Ireland's September 2021 fine of WhatsApp (€225 million, discussed further in the Ireland section below), internet services firm Google has been fined multiple times, and other services platforms such as TikTok, Twitter, and Meta (formerly Facebook) have faced fines for GDPR violations in Germany, France, Belgium, Ireland, the Netherlands, and elsewhere. Combined, fines impacting the internet services industry have exceeded €300 million, and represent nearly 22 percent of total fines issued by DPAs.

Telecommunications is another sector that has faced a higher level of scrutiny from DPAs, and a variety of fines throughout Europe; these telecom providers are often domestic firms within an EU country that is identified by that country's DPA as being out of compliance with GDPR. The industry has faced more than 100 fines during the May 2018 – December 2021 period, including in Belgium, Bulgaria, Cyprus, Germany, Greece, Hungary, Italy, Poland, Romania, and Spain. Telecom services fines have also been 3 of the 10 largest fines issued by DPAs, and overall, there have been nearly €80 million in fines issued to telecom firms by DPAs (for a list of the 50 largest fines issued by DPAs during the May 2018 to December 2021 period, which combined represent more than 97 percent of the monetary value of all GDPR fines, see Appendix B).

Finally, one unexpected emerging sector that has faced GDPR oversight over the past three years has been the public sector, including national European government agencies and local governments. With more than 80 fines and a combined monetary value exceeding €11 million, these fines are also noteworthy for their broad application across a variety of jurisdictions; Belgium, Bulgaria, Cyprus, Denmark, France, Hungary, Iceland, Ireland, Italy, Lithuania, the Netherlands, Norway, Poland, Sweden, and the United Kingdom have all issued fines against national government agencies or local government jurisdictions (or both) within their countries for GDPR violations. In addition, fines have been issued for a



wide range of public sector institutions such as hospitals, public transportation service providers, and universities.

Beyond these industry sectors, European countries have differed with respect to which types of other industries they pursue when issuing fines. Other sectors which have faced a substantial level of regulatory scrutiny have typically been industries that heavily rely on customer data for operational purposes. These include the medical services sector (more than €10 million in fines from May 2018 to December 2021), the energy services sector (more than €15 million), and the banking sector (more than €20 million). The level of scrutiny and fees can vary substantially by country. For example, the banking sector represents the largest value of fines for Spain, while Estonia’s fines have all been issued for e-commerce and retail website GDPR non-compliance. Sweden has issued approximately 70 percent of the fines issued across Europe to medical services industries, despite issuing only 1 percent of the total monetary value of all GDPR fines. Several of these country-specific sections are described in further detail in the section GDPR Enforcement Trends by Selected DPAs, as well as in Appendix A.

### **GDPR Enforcement Trends Affecting U.S. Firms**

An analysis of data on GDPR fines between 2018 and 2021 indicates that the largest fines issued for GDPR non-compliance have been assessed against U.S.-headquartered firms, particularly in the technology sector. Industry experts noted that EU DPAs have escalated their enforcement efforts against U.S. tech firms, especially in 2020-21, increasing the frequency and severity of fines issued in line with GDPR rules.<sup>9</sup> U.S. firms have noted that EU DPAs no longer appear reluctant to utilize heavy enforcement against big tech companies and other prominent organizations.<sup>10</sup> Historically less aggressive privacy enforcers, like Ireland and Luxembourg, have increasingly taken stronger positions on enforcing provisions more strictly through the issuance of larger fines against foreign firms; these countries were previously viewed by privacy and data protection advocates as more “company-friendly” than their other European counterparts.<sup>11</sup>

With the July 2021 Amazon €746 million fine from Luxembourg, and the Ireland WhatsApp €225 million fine in September 2021, U.S. firms represent the majority of the monetary value of all fines issued by EU DPAs. With other U.S.-headquartered firms’ (and U.S. firm affiliate branches in EU countries) fines, the total U.S. firm impact of GDPR non-compliance fines is approximately €1.1 billion, or more than 80 percent of the total monetary value of all fines issued as of years’ end 2021. In addition, the three largest fines issued thus far for GDPR violations have been against U.S. firms, and 5 of the 20 largest fines issued by DPAs during the 2018-21 period have been against U.S. firms (table 10).

---

<sup>9</sup> DeGeurin, “Amazon’s Record EU Privacy Fine May Be Just the Start,” August 2, 2021.

<sup>10</sup> EPIQ, “Recent GDPR Fines Against Amazon and WhatsApp Set New Records,” October 6, 2021.

<sup>11</sup> EPIQ, “Recent GDPR Fines Against Amazon and WhatsApp Set New Records,” October 6, 2021.

**Table 2** GDPR fines issued against U.S.-headquartered firms, and U.S. firm affiliates, exceeding €10,000 (May 2018–December 2021, euro)

Firm	Industry	Country	Month, Year	Fine
Amazon Europe Core S.a.r.l	E-commerce/ retail	Luxembourg	July 2021	€746,000,000
WhatsApp Ireland	Internet Services	Ireland	September 2021	€225,000,000
Google	Internet Services	France	January 2019	€50,000,000
Marriott	Hotel Services	United Kingdom	July 2019 (note 1)	€20,450,000
Grindr	Internet Services	Norway	December 2021	€6,300,000
Google	Internet Services	Sweden	March 2020 (note 2)	€5,000,000
Equifax Iberica	Credit Services	Spain	April 2021	€1,000,000
Google Belgium	Internet Services	Belgium	July 2020	€600,000
Twitter	Internet Services	Ireland	December 2020	€450,000
PwC	Consulting Services	Greece	July 2019	€150,000
Planet Group Spa	Fitness Services	Italy	March 2021	€80,000
Equifax Iberica	Credit Services	Spain	June 2021	€75,000
Equifax Iberica	Credit Services	Spain	March 2021	€50,000
Anytime Fitness	Fitness Services	Spain	April 2021	€15,000
Total				€1,055,570,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021, author calculations.

Notes: The fine issued by the United Kingdom’s Information Commission Office (ICO) against Marriott in July 2019 was reduced from the original proposal of £99 million (€112 million euro) to £18.4 million pounds (€20.5 million euro) in December 2020 (the ICO noted the absence of prior violations, as well as Marriott’s full compliance with the investigation).

The fine issued by Sweden’s Data Protection Authority against Google in March 2020 was originally for SEK 75 million (€7 million). Following an appeal by Google, the Administrative Court of Stockholm subsequently reduced the fine to SEK 52 million (€5 million) in November 2020.

## GDPR Enforcement Trends by Selected DPAs

The value of fines for GDPR violations varies substantially by country since the implementation of GDPR in May 2018, as indicated in table 2. Analysis of the data indicates that a small subset of countries issued the vast bulk of GDPR fines, while a majority of European countries represent a very small portion of the monetary value of GDPR fines between May 2018 and December 2021. Seven countries—Luxembourg, Ireland, Italy, France, Germany, Spain, and the United Kingdom—have issued more than 95 percent of the fines by monetary value among the 27 countries which have issued GDPR fines greater than €10,000 during the May 2018–December 2021 period, with the top 11 countries issuing more than 99 percent of the value of all fines issued.<sup>12</sup> In contrast, more than half of all countries governed by GDPR have issued less than €1 million in total fines during this period; 20 countries have combined issued less than 1 percent of GDPR fines by monetary value.

<sup>12</sup> Malta, Liechtenstein, Croatia, and Slovenia reportedly did not issue any fines exceeding €10,000 between 2018 and December 2021.

**Table 3** Cumulative GDPR fines from DPAs exceeding €10,000 (\$10,848), by country, May 2018–December 2021

Country	Fines (€)	Fines (\$)
Luxembourg	€746.2 million	\$843.2 million
Ireland	€225.9 million	\$255.3 million
Italy	€89.5 million	\$101.1 million
France	€57.7 million	\$65.2 million
Germany	€50.1 million	\$56.6 million
United Kingdom	€44.9 million	\$50.7 million
Spain	€36.1 million	\$40.8 million
Austria	€16.8 million	\$19.0 million
Sweden	€15.3 million	\$17.2 million
Netherlands	€9.9 million	\$11.2 million
Norway	€9.0 million	\$10.2 million
Bulgaria	€3.2 million	\$3.6 million
Poland	€2.1 million	\$2.4 million
Cyprus	€1.2 million	\$1.4 million
Belgium	€1.0 million	\$1.1 million
Denmark	€0.8 million	\$0.9 million
Greece	€0.8 million	\$0.9 million
Hungary	€0.7 million	\$0.8 million
Romania	€0.6 million	\$0.7 million
Portugal	€0.4 million	\$0.4 million
Finland	€0.3 million	\$0.3 million
Estonia	€0.3 million	\$0.3 million
Lithuania	€0.2 million	\$0.2 million
Latvia	€0.2 million	\$0.2 million
Iceland	€0.2 million	\$0.2 million
Czechia	€0.1 million	\$0.1 million
<b>Total</b>	<b>€1,316 million</b>	<b>\$1,487 million</b>

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021, author calculations.

Note: Fines issued for Malta, Lichtenstein, Croatia, and Slovenia were less than €100,000/\$100,848 and are not reflected in the table.

This section will explore developments in the seven countries listed above, noting major fines issued by Luxembourg, Ireland, Italy, France, Germany, Spain, and UK DPAs, as well as other developments which differentiate their approaches as DPAs from other data protection agencies (such as industries with higher scrutiny, as well as specific articles of regulatory focus). A short description of the other 24 European countries under GDPR are explored in Appendix A.<sup>13</sup>

## Luxembourg

Despite the lack of publicly available information from Luxembourg’s DPA relating to disclosure of GDPR fines, Amazon disclosed in a filing to the U.S. Securities and Exchange Commission (SEC) that it had received a fine of €746 million from the Luxembourg National Data Protection Commission in July

<sup>13</sup> These countries are Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Iceland, Latvia, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

2021.<sup>14</sup> Neither Amazon nor Luxembourg disclosed the specific reason for its fine, though Amazon noted that the firm had not experienced a data breach or customer data exposure (which would likely fall under article 32). Luxembourg’s Amazon fine is the largest GDPR-related fine on record to date and represents nearly 60 percent of the total value of all fines issued by all EU DPAs during the entire May 2018–December 2021 period (table 3). Despite this large fine, the quantity of fines issued by Luxembourg is relatively low compared to other European countries.

Luxembourg was a latecomer in issuing GDPR enforcement fines when compared to other Western European DPAs but has become increasingly active against GDPR non-compliance. Luxembourg’s National Data Protection Commission issued at least 16 fines since GDPR was implemented, eight of which exceeded €10,000, and all of which were issued in 2021.<sup>15</sup> Luxembourg’s DPA does not often disclose information regarding the name of the firms impacted or their relevant industries when it issues fines, therefore it is difficult to discern common industry trends from Luxembourg’s data on GDPR fines. However, the majority of fines have been issued for violations of articles 38 and 39, which relate to provisions addressing the appointment and obligations of a data protection officer, or DPO. Luxembourg’s violations relating to DPOs are in contrast to articles relating to principal obligations, rights of processors and controllers, and data subject rights provisions that are most commonly cited by EU DPAs for violations and noted in further detail above.

**Table 4** Luxembourg National Data Protection Commission fines under GDPR exceeding €10,000, May 2018–December 2021

Fine (€)	Articles violated	Industry	Fine recipient	Multinational or domestic	Year
€746,000,000	Unknown	E-commerce/retail	Amazon Europe Core	Multinational (USA)	2021
€135,000	5, 32, 33	Insurance services	Insurance company	Unknown	2021
€18,000	37, 38, 39	Unknown	Unknown	Unknown	2021
€18,000	38, 39	Unknown	Unknown	Unknown	2021
€15,400	38, 39	Unknown	Unknown	Unknown	2021
€15,000	38, 39	Unknown	Unknown	Unknown	2021
€13,200	38, 39	Unknown	Unknown	Unknown	2021
€12,500	5, 13	Unknown	Unknown	Unknown	2021

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Ireland

Ireland is often a focus of the EU in terms of GDPR enforcement because it serves as a hub for the European headquarters of many major U.S. digital services providers, which means that the Irish Data Protection Commission (DPC) has the clearest jurisdiction over these firms for most GDPR violations. The Irish DPC has issued 10 fines for GDPR violations during the subject period, although most of these fines were very small and were less than €100,000. Similar to Luxembourg, the vast majority of the monetary value of fines issued by Ireland consist of a single fine; in Ireland’s case, the September 2021 €225 million fine of WhatsApp’s Ireland subsidiary (WhatsApp is owned by U.S. firm Meta, formerly known as Facebook) for violating articles 5, 12, 13, and 14 of GDPR.

<sup>14</sup> Shead, “Amazon Hit with \$887 Million Fine by European Privacy Watchdog,” July 30, 2021.

<sup>15</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

In the two-year period following GDPR implementation, Ireland had not issued any major fines against firms, though it had several active investigations open into major U.S.-headquartered technology firms such as Meta (formerly Facebook), Google, Apple, Amazon, Twitter, and Verizon. However, in 2021, Ireland began issuing fines against entities that violated GDPR, which was welcomed by other European DPAs.<sup>16</sup> Ireland’s September 2021 WhatsApp fine, at €225 million, was the second largest in Europe, and represented a break from the previous period of regulatory oversight without subsequent fines. The initial fine proposal, €50 million, was challenged by eight countries in the European Data Protection Board, triggering a dispute resolution mechanism in which the EDPB issued “clear instruction that required the DPC to reassess and increase its proposed fine.”<sup>17</sup>

Aside from its fine of WhatsApp, the majority of fines issued by Ireland’s DPC were against domestic public sector entities, but these fines were often very low (table 4). Additionally, at least one judgement issued against Facebook (now known as Meta) for separate GDPR violations remains pending, with an October 2021 proposed fine from the DPC of €36 million.<sup>18</sup>

**Table 5** Ireland Data Protection Commission fines under GDPR exceeding €10,000, May 2018–December 2021

Fine (€)	Articles violated	Industry	Fine recipient	Multinational or domestic	Year
€ 225,000,000	5, 12, 13, 14	Internet services	WhatsApp Ireland	Multinational (USA)	2021
€ 450,000	33	Internet services	Twitter	Multinational (USA)	2020
€ 90,000	5, 24, 25	Government agency	Irish Credit Bureau DAC	Domestic	2021
€ 85,000	32	Local government	Tusla Child and Family Agency	Domestic	2020
€ 75,000	5, 6	Local government	Tusla Child and Family Agency	Domestic	2020
€ 70,000	5, 32, 33	Education services	University College Dublin	Domestic	2020
€ 65,000	5, 32	Medical services	Cork University Maternity Hospital	Domestic	2020
€ 40,000	33	Local government	Tusla Child and Family Agency	Domestic	2020

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021

## France

France’s Commission Nationale de L’informatique et des Libertés (CNIL) has issued at least 19 fines for GDPR violations during the May 2018–December 2021 period, 15 of which exceeded €10,000 (table 5).<sup>19</sup> With a combined value of more than €57 million, France ranks 4<sup>th</sup> among nations for GDPR fines. The largest fine was issued against Google for €50 million in January 2019 for violations of article 6 of GDPR; this is Europe’s 3<sup>rd</sup> largest fine to-date.

<sup>16</sup> CPO Magazine, “WhatsApp’s \$267 Million GDPR Fine Shows Willingness of Irish DPA to Issue Large Penalties,” September 7, 2021.

<sup>17</sup> NBC News, “WhatsApp Hit with Record Fine by Ireland over Privacy,” September 2, 2021.

<sup>18</sup> Reuters, “Irish Regulator Proposes 36 Mln Euro Facebook Privacy Fine - Document,” October 13, 2021, sec. Technology.

<sup>19</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

**Table 6** France's CNIL fines under GDPR exceeding €10,000, May 2018–December 2021

Fine (€)	Articles violated	Industry	Fine recipient	Multinational or domestic	Year
€50,000,000	6	Internet services	Google	Multinational (USA)	2019
€2,250,000	5, 12, 13, 15, 17, 21, 32, 33	E-commerce/retail	Carrefour France	Multinational (France)	2020
€1,750,000	5, 13, 14	Insurance services	SGAM AG2R LA Mondiale	Multinational (France)	2020
€800,000	5	Banking services	Carrefour Banque	Multinational (France)	2020
€500,000	5, 6, 13, 14, 21	Enterprise services	Futura Internationale	Domestic	2021
€500,000	5, 13, 17, 32, 82	Home improvement	BRICO Prive	Domestic	2021
€400,000	32	Real estate services	Sergic	Domestic	2019
€400,000	5, 32	Transportation services	Régime autonome des transports parisiens	Domestic	2020
€400,000	14, 28	Agricultural services	Monsanto	Multinational (USA/France)	2021
€250,000	5, 13, 14	E-commerce/retail	Spartoo	Domestic	2020
€180,000	32	Insurance services	Active Insurance	Domestic	2019
€150,000	32	Unknown	Unknown	Unknown	2021
€75,000	32	Unknown	Unknown	Unknown	2021
€20,000	5, 12, 13	Translation services	Uniontrad Company	Domestic	2019
€20,000	12, 13	Food services	Nestor SAS	Domestic	2021

Source: CMS, "GDPR Enforcement Tracker - List of GDPR Fines," accessed December 11, 2021.

France's other fines have largely concentrated on medium to large-size France-headquartered firms, though in a wide variety of industries. The French-based multinational retail chain Carrefour received the second largest fine issued by France (€2.3 million), followed by French multinational insurance services firm SGAM AG2R La Mondiale (€1.8 million).

Although the CNIL initially appeared to focus its attention on targeted advertising, the CNIL has since branched out to invoke other GDPR provisions for violations. More recent fines have typically covered violations of principles relating to personal data and lawfulness of processing (articles 5 and 6) and transparency of information and communication for the exercise of data subject rights (article 12), personal data collection (article 13), and security of data such as data breaches (article 32). The provisions that the CNIL has been enforcing through fines has become largely aligned with EU-wide trends, showing a typical concentrating among these five articles.

In 2021, the CNIL publicly stated that they intend to shift their attention to cookies regulation compliance as a priority.<sup>20</sup> The CNIL has opened nearly 90 investigations to date to identify possible breaches in relation to cookies, in order to ensure that companies allow users to refuse cookies as easily as it is to accept them.<sup>21</sup> In January 2022, it was reported that CNIL planned to fine Google €150 million and Facebook (Meta) €60 million for failing to allow French users to easily reject cookie tracking technology.<sup>22</sup>

<sup>20</sup> A cookie is a small amount of data generated when a user visits a website, which helps to track the user's movement on websites. CNIL.fr, "Refusing Cookies Should Be as Easy as Accepting Them," December 14, 2021.

<sup>21</sup> CNIL.fr, "Refusing Cookies Should Be as Easy as Accepting Them," December 14, 2021.

<sup>22</sup> Politico Europe, "Google, Facebook Face Big Privacy Fines in France," January 5, 2022.

## Germany

German enforcement of GDPR falls under 16 state-level data protection authorities, with a national Federal Commissioner for Data Protection and Freedom of Information based in Bonn. This structure differs significantly from other DPAs in other EU and EEA countries, which typically concentrate enforcement among a single national regulatory body. Among the 16 German DPAs at least 35 fines have been issued, 19 of which have exceeded €10,000. Combined, German DPAs have issued more than €57 million in fines, ranking 4<sup>th</sup> among nations (table 6).

**Table 7** German DPAs' fines under GDPR exceeding €10,000, May 2018–December 2021

Fine (€)	Articles violated	Industry	Fine recipient	Multinational or domestic	Year
€35,258,708	5, 6	E-commerce/retail	H&M	Multinational (Sweden)	2020
€10,400,000	5, 6	E-commerce/retail	Notebooksbilliger.de	Domestic	2021
€1,240,000	5, 6, 32	Insurance services	AOK	Domestic	2020
€900,000	32	Telecom services	1&1 Telecom GmbH	Domestic	2019
€900,000	12, 13	Energy services	Vattenfall Europe Sales	Multinational (Swedish)	2021
€300,000	5	Football club	VfB Stuttgart	Domestic	2021
€294,000	5	Unknown	Unknown	Unknown	2019
€195,407	15	Delivery service	Delivery hero	Multinational (German)	2019
€105,000	32	Medical services	Hospital	Domestic	2019
€100,000	5, 32	Food services	Food company	Unknown	2019
€80,000	32	Banking services	Unknown	Unknown	2019
€65,000	32	Unknown	Company	Unknown	2020
€51,000	37	Internet services	Facebook Germany	Multinational (USA)	2019
€50,000	6	Banking services	N26	Domestic	2019
€50,000	15, 28	Unknown	Unknown	Unknown	2020
€20,000	33, 34	Unknown	Unknown	Unknown	2018
€20,000	32	Internet services	Knuddels.de	Domestic	2018
€20,000	33, 34	Transport coordinator	Hamburger Verkehrsverbund GmbH	Domestic	2019
€10,000	37	Telecom services	Rapidata GmbH	Domestic	2019

Source: CMS, "GDPR Enforcement Tracker - List of GDPR Fines," accessed December 11, 2021.

The largest fines issued during the May 2018 to December 2021 period by German DPAs were both concentrated in the e-commerce/retail industries. In October 2020, Sweden-headquartered H&M Hennes and Mauritz online shop was fined €35.3 million by the Hamburg DPA, and in January 2021 online technology sales platform Notebooksbilliger.de was fined €10.4 million by the Niedersachsen DPA, in both cases for violating articles 5 and 6 of GDPR. Smaller fines have been issued to a variety of industries, including telecom, banking, medical, and energy services.

Aside from the fines listed above, German DPAs also issued multi-million Euro fines against Deutsche Wohnen (a real estate and leasing company) and telecom firm 1&1 Telecom. However, both were reduced or thrown out entirely by German courts, reflecting a growing trend of court scrutiny of GDPR enforcement by data protection authorities across Europe (box 1). Industry experts as well as German national authorities have noted that Germany's approach to GDPR fines remains an evolving process

and under review.<sup>23</sup> German civil courts have also applied pressure on German DPAs to change their approach to imposing fines so that the severity of the violation is in proportion to the fine, rather than basing the fine on the economic value of the firm that violated GDPR.<sup>24</sup> German officials have recognized a need for a more coordinated approach to GDPR enforcement that ensures fairness and transparency in the calculation of fines domestically.<sup>25</sup> Indeed, the German Federal Commissioner for Data Protection announced in a 2020 report that the currently published guidance on the calculation of fines was under review due to a recent court decision which materially reduced a fine imposed by a data protection authority due to a technical error.<sup>26</sup>

### **Box 1** How Durable Are Large GDPR Fines in the Long Run?

In February 2021, the Berlin Regional Court struck down a €14.5 million fine issued by the Berlin Data Protection Authority in October 2019 against Germany real estate firm Deutsche Wohnen SE for storing tenant data indefinitely, due to the DPA committing an administrative error.<sup>27</sup> In November 2020, a Bonn district court reduced a December 2019 €9.55 million fine issued against 1&1 Telecom GmbH to €900,000 for being unreasonably high (table A).<sup>28</sup>

These fine reductions have contributed to growing questions over whether some of the larger fines issued by EU DPAs will remain durable over time. Indeed, at least six large fines have been reduced either through court action or subsequent decisions by DPAs. In addition to the reduction of the two German fines noted above, one €18 million fine issued by Austria's DPA was tossed by an Austrian court for failing to link violations to a specific person and prove that person knew or did nothing to stop the violations.<sup>29</sup> The United Kingdom's largest fines—issued against Marriott in November 2018 and British Airways in July 2019—were both reduced by the UK Information Commissioner's Office in October 2021 from €112 million to €20.5 million and €207 million to €22.1 million, respectively. Combined, the reduction in fines among these large fines was nearly €320 million (table A).

---

<sup>23</sup> Ashurst, "GDPR Wields a Big Stick - UK and German Approach to Determining Fines," May 25, 2021.

<sup>24</sup> Ashurst, "GDPR Wields a Big Stick - UK and German Approach to Determining Fines," May 25, 2021.

<sup>25</sup> Ashurst, "GDPR Wields a Big Stick - UK and German Approach to Determining Fines," May 25, 2021.

<sup>26</sup> The court stated in its opinion that the fine that was imposed had been calculated with an inappropriate and excessive focus on "certain economic criteria relating to the company being fined rather than the actual offence itself." Ashurst, "GDPR Wields a Big Stick - UK and German Approach to Determining Fines," May 25, 2021.

<sup>27</sup> Ritzer, Filkina, "Deutsche Wohnen Fine Now Declared Invalid by a German Court," February 25, 2021; Debussere, "German Real Estate Company Fined 14.5 Million EUR for Storing All Personal Data of Tenants Indefinitely in an Archive System | Timelex," November 11, 2019.

<sup>28</sup> Elteste, Meneses, "German Telecommunications Company Fined 9.5 Million Euros for GDPR Violation," December 11, 2019.

<sup>29</sup> StockXpo, "Wave of Legal Appeals Challenges How European Regulators Enforce Privacy Rules," March 15, 2021; IAPP, "Austrian DPA Issues 18M Euro Fine for Alleged GDPR Violations," October 30, 2019.



**Table A** Selected GDPR fines which have been reduced

Country	Firm	Initial fine	Fine issued	Current fine	Fine changed	Reason for reduction
Austria	Austria Post	€18,000,000	October 2019	0	November 2020	DPA failed to attribute violations to a specific person and to establish that the person knew of the violation.
Germany	Deutsche Wohnen	€14,500,000	October 2019	0	February 2021	DPA failed to identify individual employee responsible for violation.
Germany	1&1 Telecom GmbH	€9,550,000	December 2019	€900,000	November 2020	Court ruled fine was “not justified for a relatively minor offense.”
Sweden	Google	€7,344,000	March 2020	€5,091,000	November 2020	Court reduced fine, though it rejected appeal by Google to toss the suit.
United Kingdom	Marriott	€112,000,000	November 2018	€20,450,000	October 2020	Reduced by UK DPA (Information Commissioner’s Office), noting Marriott’s absence of prior violations and full cooperation merited a reduction.
United Kingdom	British Airways	€207,000,000	July 2019	€22,046,000	October 2020	Reduced by ICO, noting in particular the economic impact of Covid-19 on the airline industry.

Sources: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021; Ritzer, Filkina, “Deutsche Wohnen Fine Now Declared Invalid by a German Court,” February 25, 2021; Morrison & Foerster, “Multimillion-Euro German Fine Slashed,” November 12, 2020.

## Italy

Italy’s data protection authority, Garante per la protezione dei dati personali (Garante), has been a forerunner in Europe in issuing a large quantity of fines to various entities that violate GDPR. The Garante has issued approximately 100 fines during the May 2018 to December 2021 period, with 63 exceeding €10,000 (table 7). Most of these fines were issued more recently in 2020 and 2021, and with a combined value of more than €88 million, Italy ranks 3<sup>rd</sup> after Luxembourg and Ireland in issuance of fines by monetary value. Additionally, the Italian DPA has issued ten fines in excess of €1 million, more than any other country, and six of its fines constitute more than 80 percent of the value of all fines issued by Garante.

**Table 8** Italy Data Protection Authority fines under GDPR exceeding €1 million, May 2018–December 2021

Fine (€)	Articles violated	Industry	Fine recipient	Multinational or domestic	Year
€27,800,000	5, 6, 17, 21	Telecom services	TIM	Domestic	2020
€16,700,000	5, 6, 12, 24, 25	Telecom services	Wind Tre SpA	Domestic	2020
€12,251,601	5, 6, 7, 15, 16, 21, 24, 25, 32, 33	Telecom services	Vodafone Italia	Multinational (UK)	2020
€8,500,000	5, 6, 17, 21	Energy services	Eni Gas e Luce	Domestic	2019
€4,500,000	6, 7, 12, 13, 21, 24, 25, 32, 33, 34	Telecom services	Fastweb SpA	Domestic	2021
€3,296,326	5, 6, 7, 12, 13, 21, 28, 29	Transportation services	Sky Italia	Domestic	2021
€3,000,000	5, 6	Energy services	Eni Gas e Luce	Domestic	2019
€2,856,169	5, 6, 7	Energy services	Iren Mercato	Domestic	2021
€2,600,000	5, 13, 22, 25, 30, 32, 35, 37	Waste management	Foordinho s.r.l	Domestic	2021
€2,500,000	5, 13, 22, 25, 30, 32, 35, 37	Internet services	Deliveroo Italy	Multinational (UK)	2021

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021; industry attribution is determined by authors.

Of Italy’s fines, nearly one-third (20 fines) were issued to local governments and domestic political parties. However, by value the telecom industry represents the majority of the value of all fines issued by Italy; Italy has fined Italian telecom services firms or Italian affiliates of telecom firms at least seven times with a combined value of €62.1 million (approximately 70 percent of the total value of Italy’s fines). This is largely due to three large fines: a 2020 €27.8 million fine of Italian firm TIM, a 2020 €12.3 million fine of Vodafone Italia, and a more recent September 2021 €16.7 million fine of Wind Tre SpA. Unlike Germany and France, the vast majority of its large fines have focused almost exclusively on domestic firms, rather than multinational or U.S.-headquartered firms.

Energy services also constitutes a large share of the value of Garante’s fines. Three fines issued by Italy’s Data Protection Authority to energy services firms constituted approximately 16 percent of the value of all its fines (€14.4 million).

## Spain

Spain’s National Data Protection Agency, the Agencia Española de Protección de Datos (AEPD), has issued nearly 350 fines, representing nearly 40 percent of the total number of fines issued by all DPAs between May 2018 and December 2021 combined. While there are a variety of reasons suggested for the large volume of fines issued by Spain’s DPA, one of the more persuasive reasons suggests that Spain’s publications of all decisions, including dismissals, as well as the number of complaints it receives, may be spurring enforcement action from the DPA.<sup>30</sup>

<sup>30</sup> Kroet, Newman, “Big Tech Might See More Enforcement Action as EU’s GDPR Turns Two,” May 25, 2020.

Of the fines issued by Spain, more than 150 exceeded €10,000 during the subject period. Despite this large volume of fines, Spain ranks only 7<sup>th</sup> among DPAs in terms of their collective monetary value (after Luxembourg, Ireland, Italy, France, Germany, and the United Kingdom), with a combined €36.1 million. This is likely due to the fact that despite issuing 8 fines exceeding €1 million, none exceeded €10 million (table 8). The highest fine issued by Spain was €8.2 million against Vodafone España in March 2021 for violating articles 21, 23, 24, 28, and 44. All nations with a higher monetary value of aggregate fines had at least one fine exceeding €10 million, and several (Italy, Germany, the United Kingdom), had at least two.

**Table 9** Spain National Data Protection Agency fines under GDPR exceeding €1 million, May 2018–December 2021

Fine (€)	Articles violated	Industry	Fine recipient	Multinational or domestic	Year
€8,150,000	21, 23, 24, 28, 44	Telecom services	Vodafone España	Multinational (UK)	2021
€6,000,000	6, 13, 14	Banking services	Caixabank	Domestic	2021
€5,000,000	6, 13	Banking services	Banco Bilbao Vizcaya Argentaria	Domestic	2020
€3,000,000	6	Banking services	Caixabank Payments and Consumer EFC	Domestic	2021
€2,520,000	5, 6, 9, 12, 13, 25	Food services	Mercadona S.A.	Domestic	2021
€1,500,000	13, 25	Energy services	EDP Energia	Domestic	2021
€1,500,000	13, 25	Energy services	EDP Comercializadora	Domestic	2021
€1,000,000	5, 6, 14	Credit services	Equifax Iberica	Multinational (USA)	2021

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

Of the fines issued by Spain, the majority were issued against telecom services firms such as Vodafone España (51 fines), Xtera Movil (15 fines), and Telefonica (12 fines), and represented approximately one-third of the value of all fines issued by the National Data Protection Agency (€12.5 million, 34.7 percent). The remaining fines were issued most frequently to the energy, banking, and medical services industries. The banking sector, while receiving a relatively small number of fines, were often large: Caixabank and its credit subsidiary has received nearly €10 million in fines and Banco Bilbao Vizcaya Argentaria has received more than €5 million in fines. The banking sector overall has represented nearly 40 percent of the value of all fines issued by Spain’s DPA. Similar to Italy, the bulk of Spain’s large fines have focused almost exclusively on domestic firms, occasionally impacting international and U.S.-headquartered firms.

## United Kingdom

When the GDPR was implemented, the United Kingdom was part of the EU and therefore subject to the provisions in the regulation directly. After the UK formally left the EU on January 1, 2021 (Brexit)<sup>31</sup> it became a “third party country” under the EU’s GDPR, and therefore could no longer remain a part of Europe’s single market, and EU-wide laws would no longer apply because it is outside the EU and the EEA.<sup>32</sup> Since Brexit, the UK government amended the UK Data Protection Act (DPA) 2018 and its legislation merged requirements under the EU GDPR to form the UK-GDPR, which is nearly identical to

<sup>31</sup> Singh, “UK GDPR Post-Brexit,” November 17, 2021.

<sup>32</sup> The UK ceased to be a contracting party to the EU and EEA upon its withdrawal from the EU. Singh, “UK GDPR Post-Brexit,” November 17, 2021.

the EU GDPR.<sup>33</sup> In June 2021, the EU approved the UK’s privacy laws as “adequate” to EU GDPR, allowing for UK and EU data to continue to flow freely from the UK and the EU in most cases.<sup>34</sup>

While the UK was initially a major regulatory force in GDPR enforcement after issuing its two large fines against UK-headquartered British Airways and U.S.-headquartered Marriott (noted in the box 1 above), subsequently the UK’s Information Commissioner Office (ICO) has issued much smaller fines for non-compliance after 2019. During the two-year period after GDPR was enforced, the United Kingdom constituted the vast majority of the value of all fines issued by GDPR member states because at the time its British Airways and Marriott fines had a combined monetary value of more than €300 million, subsequently falling substantially as these fines were reduced by the ICO and other countries (notably Luxembourg and Ireland) issued their own large fines.

Considering the subject period, the ICO has issued eight fines for GDPR violations, all of which exceeded €10,000 (table 9). Only two of these fines were issued after Brexit, compared to five fines issued before Brexit. Combined, the fines issued by the UK ICO were more than €44 million, placing the UK 6<sup>th</sup> among European nations for GDPR violations. As noted, two large fines against U.S. firm Marriott and UK firm British Airways constitute the vast majority of fines issued by the ICO, while the remaining fines are divided under a variety of industries.

**Table 10** All UK Information Commissioner Office fines under GDPR, May 2018–December 2021

Fine (€)	Articles violated	Industry	Fine recipient	Multinational or domestic	Year
€22,046,000	32	Transportation services	British Airways	Multinational (UK)	2019
€20,450,000	33	Hotel services	Marriott	Multinational (USA)	2019
€1,405,000	5, 32	Online services	Ticketmaster UK	Multinational (UK)	2020
€585,000	5, 32	Government	Cabinet Office	Domestic	2021
€320,000	32	Medical services	Doorstep Dispensaree	Domestic	2019
€29,000	5, 32	NGO	Mermaids	Domestic	2021
€13,500	12, 15	Local government	Isle of Man Department of Home Affairs	Domestic	2020
€11,800	5, 32	Medical services	HIV Scotland	Domestic	2021

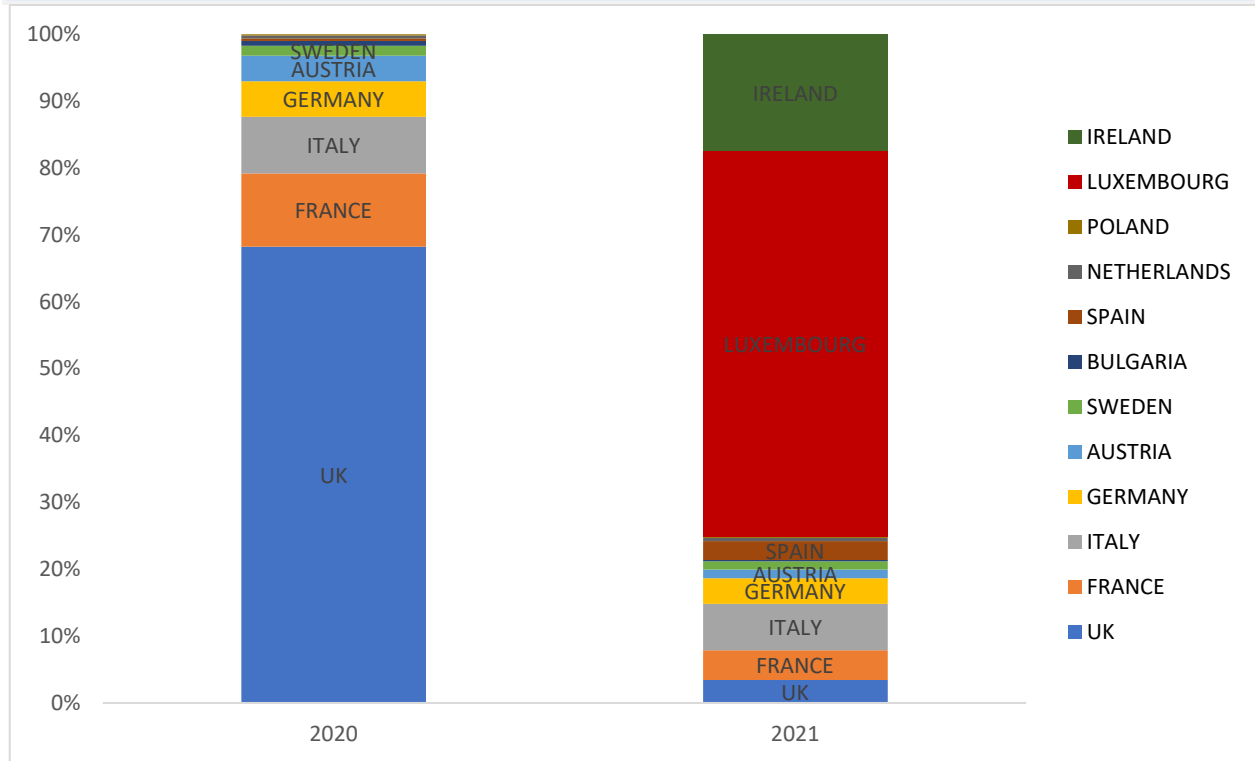
Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

Although the ICO issued two of the largest initial fines under GDPR for all of Europe, these fines were subsequently reduced substantially. After the ICO reduced its initial fines for U.S. firm Marriott (originally €112 million) and British Airways (originally €207 million) in 2020 and 2021 respectively, the UK’s large share of total fines fell, from 68 percent of the value of fines up until June 2020 to representing only 3.6 percent of fines by December 2021 (figure 1).

<sup>33</sup> Singh, “UK GDPR Post-Brexit,” November 17, 2021.

<sup>34</sup> ‘Adequacy’ is a term the EU uses to describe countries, territories, sectors or organisations it deems to have an “essentially equivalent” level of data protection to the EU. UK ICO, “Overview – Data Protection and the EU,” <https://ico.org.uk/for-organisations/dp-at-the-end-of-the-transition-period/overview-data-protection-and-the-eu/> (accessed January 7, 2022).

**Figure 1** Share of the monetary value of GDPR fines by country, May 2018–June 2020 and May 2018–December 2021 (percent) following fine reductions in 2020 and 2021



Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021, author calculations.

## Conclusion

Fines from European data protection authorities for non-compliance with GDPR have risen substantially in the past year, and industry experts suggest that very large fines will continue to be imposed in the near future as more emphasis is placed on data protection and privacy globally. A small subset of European countries have issued the vast bulk of GDPR fines thus far, with seven countries—Luxembourg, Ireland, Italy, France, Germany, Spain, and the United Kingdom (as noted above, post-Brexit UK fines have become smaller and are fewer in number)—issuing more than 95 percent of the fines by value among the 31 European countries subject to GDPR.

Despite these countries issuing a bulk of fines, data suggests that other EU or EEA countries have also accelerated enforcement measures to ensure compliance among a variety of industries operating within their respective countries. Data of enforcement fines suggests that the industries impacted most so far are e-commerce/retail firms, followed by internet services firms (with fines largely concentrated among a few countries), telecommunications services, and finally energy, medical, and banking services. One interesting trend also emerging is that domestic government entities themselves are facing growing scrutiny for non-compliance with GDPR provisions, often for data breaches.

Although the value and quantity of fines within each country continues to increase, the GDPR provisions cited for fines remains relatively consistent. EU-wide trends regarding the enforcement of certain GDPR provisions point to an emphasis by DPAs on protecting the basic principles of data processing (articles 5 and 6), the obligations of processors and controllers particularly with respect to data security (article

32), and the ensuring the rights of data subjects (articles 12 and 13). These articles were cited in the early enforcement period after GDPR implementation and continued to be cited in 2020 and 2021 in growing numbers as GDPR fines grew.

## Bibliography

- Ashurst. "GDPR Wields a Big Stick - UK and German Approach to Determining Fines," May 25, 2021. <https://www.ashurst.com/en/news-and-insights/legal-updates/gdpr-wields-a-big-stick---uk-and-german-approach-to-determining-fines/>.
- CMS. "GDPR Enforcement Tracker - List of GDPR Fines," 2021. <https://www.enforcementtracker.com>.
- CNIL.fr. "Refusing Cookies Should Be as Easy as Accepting Them." CNIL, December 14, 2021. <https://www.cnil.fr/en/refusing-cookies-should-be-easy-accepting-them-cnil-continues-its-action-and-issues-new-orders>.
- CPO Magazine. "WhatsApp's \$267 Million GDPR Fine Shows Willingness of Irish DPA to Issue Large Penalties." CPO Magazine, September 7, 2021. <https://www.cpomagazine.com/data-protection/whatsapps-267-million-gdpr-fine-shows-willingness-of-irish-dpa-to-issue-large-penalties/>.
- Daigle, Brian, and Mahnaz Khan. "One Year In: GDPR Fines and Investigations against U.S.-Based Firms," September 2019, 2.
- Datatilsynet, Norwegian Data Protection Authority. "The NO DPA Imposes Fine against Grindr LLC." Datatilsynet, December 15, 2021. <https://www.datatilsynet.no/en/regulations-and-tools/regulations/avgjorelser-fra-datatilsynet/2021/gebyr-til-grindr/>.
- Debussere, Frederic. "German Real Estate Company Fined 14.5 Million EUR for Storing All Personal Data of Tenants Indefinitely in an Archive System | Timelex." TimeLex, November 11, 2019. <https://www.timelex.eu/en/blog/german-real-estate-company-fined-145-million-eur-storing-all-personal-data-tenants>.
- DeGeurin, Mack. "Amazon's Record EU Privacy Fine May Be Just the Start." Insider Intelligence, August 2, 2021. <https://www.emarketer.com/content/amazon-s-record-eu-privacy-fine-may-just-start>.
- Elteste, Ulrike, and Anna Oberschlep Meneses. "German Telecommunications Company Fined 9.5 Million Euros for GDPR Violation." Inside Privacy, December 11, 2019. <https://www.insideprivacy.com/data-privacy/german-telecommunications-company-fined-for-gdpr-violation/>.
- EPIQ. "Recent GDPR Fines Against Amazon and WhatsApp Set New Records." EPIQ, October 6, 2021. <https://www.epiglobal.com/en-us/resource-center/articles/recent-gdpr-fines-against-amazon-and-whatsapp>.
- IAPP. "Austrian DPA Issues 18M Euro Fine for Alleged GDPR Violations," October 30, 2019. <https://iapp.org/news/a/austrian-dpa-issues-18m-euro-fine-for-alleged-gdpr-violations/>.
- Investopedia. "European Economic Area (EEA) Agreement." Accessed December 2, 2021. <https://www.investopedia.com/terms/e/european-economic-area-eea-agreement.asp>.

Kroet, Cynthia, and Matthew Newman. "Big Tech Might See More Enforcement Action as EU's GDPR Turns Two." LexisNexis, May 25, 2020. <https://mlexmarketinsight.com/news-hub/editors-picks/area-of-expertise/data-privacy-and-security/big-tech-might-see-more-enforcement-action-as-eus-gdpr-turns-two>.

NBC News. "WhatsApp Hit with Record Fine by Ireland over Privacy." NBC News, September 2, 2021. <https://www.nbcnews.com/tech/tech-news/whatsapp-hit-record-fine-ireland-privacy-rcna1876>.

Politico Europe. "Google, Facebook Face Big Privacy Fines in France." Politico Europe, January 5, 2022. <https://www.politico.eu/article/google-facebook-face-big-privacy-fines-in-france/>.

Reuters. "Irish Regulator Proposes 36 Mln Euro Facebook Privacy Fine - Document." Reuters, October 13, 2021, sec. Technology. <https://www.reuters.com/technology/irish-regulator-proposes-36-mln-euro-facebook-privacy-fine-document-2021-10-13/>.

Ritzer, Christoph, and Natalia Filkina. "Deutsche Wohnen Fine Now Declared Invalid by a German Court." Norton Rose Fulbright, February 25, 2021. <https://www.dataprotectionreport.com/2021/02/deutsche-wohnen-fine-now-declared-invalid-by-a-german-court/>.

Shed, Sam. "Amazon Hit with \$887 Million Fine by European Privacy Watchdog." CNBC, July 30, 2021. <https://www.cnbc.com/2021/07/30/amazon-hit-with-fine-by-eu-privacy-watchdog-.html>.

Singh, Harman. "UK GDPR Post-Brexit: Everything You Need to Know." Infosecurity Magazine, November 17, 2021. <https://www.infosecurity-magazine.com/blogs/uk-gdpr-brexit-need-to-know/>.

StockXpo. "Wave of Legal Appeals Challenges How European Regulators Enforce Privacy Rules." Stockxpo - Grow more with Investors, Traders, Analyst and Research, March 15, 2021. <https://stockxpo.com/wave-of-legal-appeals-challenges-how-european-regulators-enforce-privacy-rules/>.

UK ICO. "The UK GDPR." UK ICO. ICO, November 24, 2021. <https://ico.org.uk/for-organisations/dp-at-the-end-of-the-transition-period/data-protection-and-the-eu-in-detail/the-uk-gdpr/>.

Wein.orf.at. "Datenschutzskandal: Millionenstrafe Für Post." wien.ORF.at, October 29, 2019. <https://wien.orf.at/stories/3019396/>.



# **Appendix A**

## **Enforcement Trends by European Data Protection Authority**

Appendix A lays out the GDPR enforcement developments and fines exceeding €10,000 for 24 countries that were not mentioned in the section GDPR Enforcement Trends by Selected DPAs. Three countries subject to GDPR (Malta, Slovenia, and Liechtenstein) have not issued any fines exceeding €10,000 under GDPR.

## Austria

During the May 2018 to December 2021 period, Austria’s National Data Protection Authority has issued 12 fines for GDPR violations, six of which exceed €10,000 (table A1). The total sum of the value of these fines is €16.8 million, ranking 8<sup>th</sup> in the value of fines issued by DPAs during this period.<sup>35</sup> Austria’s fines have generally been fairly large; despite issuing less than 2 percent of the total value of fines under GDPR, the country has issued 10 percent of all fines exceeding €10 million. As noted in the textbox “Durability of Large Fines?,” Austria in October 2019 had issued a €16 million fine to Austria Post, a national mail delivery service, for violating articles 5 and 6 of GDPR which was subsequently thrown out by an Austrian court due to administrative errors.<sup>36</sup>

**Table A1** Austria National Data Protection Authority fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	Private person	Unknown	6	€11,000
2019	NA	Medical services	13, 37	€50,000
2021	Bank	Banking services	Unknown	€4,000,000
2021	Customer loyalty program	Unknown	Unknown	€1,200,000
2021	Unser O-Bonus Club GmbH	Bonus club program	6, 7, 12	€2,000,000
2021	Austria Post	Postal services	Unknown	€9,500,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Belgium

Belgium’s Data Protection Authority has issued 26 fines for GDPR violations during the May 2018 to December 2021 period, 14 of which exceeded €10,000 (table A2). Combined, these fines are approximately €1 million, ranking the country’s DPA 15<sup>th</sup> in total value of fines.<sup>37</sup> The Belgian DPA has issued one known fine against a U.S. firm—Google Belgium was fined €600,000 in July 2020 for lacking transparency in its forms regarding procedures to dereference a data subject’s search results on its platform.<sup>38</sup> This fine represents Belgium’s largest fine to date.

<sup>35</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

<sup>36</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021; Wein.orf.at, “Datenschutzskandal,” October 29, 2019.

<sup>37</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

<sup>38</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

**Table A2** Belgium Data Protection Authority fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	Merchant	Unknown	5	€10,000
2019	Website providing legal information	Legal services	6, 12, 13	€15,000
2020	Unknown	Unknown	5, 6, 12, 14, 24	€15,000
2020	Unknown	Unknown	5, 12, 13, 15, 24	€50,000
2020	Google Belgium	Internet services	5, 6, 12, 17	€600,000
2020	Unknown	Unknown	5, 6, 15	€10,000
2020	Social media provider	Internet services	6	€50,000
2020	Proximus SA	Telecom services	31, 37, 58	€50,000
2021	Unknown	Unknown	12, 14, 15, 17, 21	€10,000
2021	Financial Company	Financial services	5, 32	€100,000
2021	Family Service NDPK	Government agency	5, 6, 7, 13, 24, 25, 28	€50,000
2021	Unknown	Unknown	5, 24, 32, 33	€25,000
2021	Unknown	Unknown	6, 12, 21	€10,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Bulgaria

During the May 2018 to December 2021 period, Bulgaria’s Personal Data Protection Commission issued 21 fines for GDPR violations, five of which exceed €10,000 (table A3).<sup>39</sup> The total value of fines, €3.2 million, ranks Bulgaria 11<sup>th</sup> among total fines issued by DPAs. Bulgaria’s fine, a €2.6 million judgement against Bulgaria’s National Revenue Agency due to a violation of article 32 (a data breach), represents the second largest fine of a government agency. The remaining fines are split in Bulgaria between the banking and telecom services.

**Table A3** Bulgaria Personal Data Protection Commission fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	Commercial representative of telecom service provider	Telecom services	6	€11,760
2019	Unknown	Telecom services	5, 6	€27,100
2019	DSK Bank	Banking services	32	€511,000
2019	Bulgaria National Revenue Agency	Government	32	€2,600,000
2019	Bulgaria National Revenue Agency	Government Agency	6, 58	€28,100

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Croatia

During the May 2018 to December 2021 period, the Croatian Personal Data Protection Agency did not issue any fines exceeding €10,000, though it did issue 4 fines of unknown value: one in February 2021, one in March 2020, and two in July 2021.<sup>40</sup>

<sup>39</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

<sup>40</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

## Cyprus

During the May 2018 to December 2021 period, Cyprus' Data Protection Commissioner issued 19 fines for GDPR violations, with 11 fines exceeding €10,000 (table A4).<sup>41</sup> With a total value of €1.2 million and ranking the country 14<sup>th</sup> among DPA fines, Cyprus' largest fine was a November 2021 €925,000 fine of telecom firm WS WiSpear Systems for violating article 5 of GDPR which relates to the principles relating to the processing of personal data.<sup>42</sup>

**Table A4** Cyprus Personal Data Protection Commission fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	NA	Local newspaper	6	€10,000
2019	Private doctor	Medical services	5, 6	€14,000
2019	LGS Handling Louis Travel, Louis Aviation	Travel services	6, 9	€10,000
2019	LGS Handling Louis Travel, Louis Aviation	Travel services	6, 9	€70,000
2020	Bank of Cyprus Public Company	Banking services	5, 15, 32, 33	€15,000
2020	Bank of Cyprus Public Company	Banking services	5, 15, 32, 33	€15,000
2021	Hellenic Technical Enterprises	Enterprise services	32	€25,000
2021	AC Omonia	Football club	32	€40,000
2021	APOEL FC	Football club	32	€40,000
2021	Electricity Authority of Cyprus	Energy services	6, 9	€40,000
2021	Cypriot Real Estate Registration Authority	Government agency	12, 15, 31, 58	€10,000
2021	Hellenic Bank	Banking services	5, 32, 33	€25,000
2020	Bank of Cyprus Public Company	Banking services	5, 15, 32, 33	€15,000
2021	WS WiSpear Systems	Telecom services	5	€925,000

Source: CMS, "GDPR Enforcement Tracker - List of GDPR Fines," accessed December 11, 2021.

## Czech Republic

During the May 2018 to December 2021 period, the Czech Republic's Office for Personal Data Protection issued 17 fines for GDPR violations, three of which exceeded €10,000 (table A5).<sup>43</sup> Collectively, these fines amount to €147,700. The Czech Republic ranks 26<sup>th</sup> (second to last in all EU member countries) for the value of GDPR fines among EU DPAs.

**Table A5** Czech Republic Office for Personal Data Protection fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	Unknown	Unknown	5	€10,000
2020	Unknown	Unknown	5, 6, 12, 15, 16, 17, 18, 19, 20, 21, 22	€19,200
2021	Unknown	Unknown	6, 14	€118,500

Source: CMS, "GDPR Enforcement Tracker - List of GDPR Fines," accessed December 11, 2021.

<sup>41</sup> CMS, "GDPR Enforcement Tracker - List of GDPR Fines," 2021.

<sup>42</sup> CMS, "GDPR Enforcement Tracker - List of GDPR Fines," 2021.

<sup>43</sup> CMS, "GDPR Enforcement Tracker - List of GDPR Fines," 2021.

## Denmark

During the May 2018 to December 2021 period, Denmark’s Data Protection Agency issued 17 fines for GDPR violations, 14 of which exceeded €10,000 (table A6).<sup>44</sup> These fines, collectively approximately €0.8 million, rank Denmark 16<sup>th</sup> among DPAs for GDPR fines. Nearly half of fines issued by Denmark’s DPA are for local government violations, with the remainder divided among a variety of domestic industries.

**Table A6** Denmark’s Data Protection Agency fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	IDdesign A/S	Design services	5	€13,450
2020	Gladsaxe municipality	Local government	5, 32	€14,000
2020	PrivatBo	Housing services	5, 32	€20,100
2020	Arp Hansen Hotel Group	Hotel services	5	€147,800
2021	Danish Cancer Society	NGO	32	€107,000
2021	Syddanmark region	Local government	32	€67,200
2021	Favrskov municipality	Local government	32	€10,000
2021	Midtjylland region	Local government	32	€53,800
2021	Syddanmark region	Local government	32	€67,900
2021	Medicals Nordic I/S	Medical services	Unknown	€80,700
2021	Nordbornholms Byggeforretning Aps	Home developer	5, 6	€53,800
2021	Vejle municipality	Local government	32	€27,000
2021	Frederiksberg municipality	Local government	32	€13,450

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Estonia

During the May 2018 to December 2021 period, Estonia’s Data Protection Inspectorate issued five fines under GDPR, three of which exceeded €10,000 (table A7). With a total of €300,000 in fines, Estonia ranks 22<sup>nd</sup> among data protection authorities for GDPR fines. Each of Estonia’s GDPR fines were issued to domestic e-commerce/retail platforms.<sup>45</sup>

**Table A7** Estonia Data Protection Inspectorate fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2020	Azete.ee	E-commerce/retail	5, 6	€100,000
2020	Sudameapteegi e-apteek	E-commerce/retail	5, 6	€100,000
2020	Apotheka e-apteek	E-commerce/retail	5, 6	€100,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Finland

Finland’s Office of the Data Protection Ombudsman has issued eight fines for violating GDPR during the May 2018 to December 2021 period, six of which exceeded €10,000 (table A8). With slightly more than €300,000 in fines, Finland ranks 22<sup>nd</sup> among DPAs for the value of fines issued under GDPR (table B8). Finland’s GDPR fines address a variety of industries, principally of articles 5, 6, and 12 of GDPR. Finland’s largest fine was issued to medical services firm Psykoterapiakeskus Vastaamo in December 2021 in

<sup>44</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

<sup>45</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

relation to a data breach reported by the firm to the Finnish DPA. This high fine of a medical services firm aligns closely with similar strong oversight of medical services across the Nordic region, particularly neighboring Sweden and Norway.

**Table A8** Finland Office of the Data Protection Ombudsman fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2020	Taksi Helsinki	Local government	5, 6, 35	€72,000
2020	Unknown company	Unknown	5, 6	€12,500
2020	Kymen Vesi Oy	Water treatment	35	€16,000
2020	Posti Group Oyj	News services	12, 13, 14, 15	€100,000
2021	Higher education institution	Education services	5, 6	€25,000
2021	ParkkiPate Oy	Parking company	5, 12, 14, 15, 17, 25	€75,000
2021	Psykoterapiakeskus Vastaamo	Medical services	5, 33, 34	€605,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Greece

During the May 2018 to December 2021 period, Greece’s Hellenic Data Protection Authority issued 27 fines for violating provisions of GDPR, with 12 fines in excess of €10,000 (table A9). With combined fines of €820,000, Greece’ ranks as the 17<sup>th</sup> among aggregate fines issued by DPAs. Greece’s fines are most frequently in the telecommunications and energy services sectors, with one fine issued to a U.S.-headquartered firm and another fine of €150,000 issued to U.S. consulting firm PwC in 2019 for violating articles 5, 6, 13 and 14 because the company unlawfully processed employer data.<sup>46</sup>

**Table A9** Greece Hellenic Data Protection Authority fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	PwC	Consultancy services	5, 6, 13, 14	€150,000
2019	Telecom services provider	Telecom services	5, 25	€200,000
2019	Telecom services provider	Telecom services	21, 25	€200,000
2019	Aegean Marine Petroleum Network	Energy services	5, 6, 32	€150,000
2019	Wind Hellas Telecommunications	Energy services	21	€20,000
2020	Allseas Marine	Construction services	5	€15,000
2021	National Bank of Greece	Banking services	12, 15	€20,000
2021	Dixons South East Europe	Store	12, 15	€20,000
2021	Purple Sea	Store	5	€15,000
2021	Marketing firms	Marketing services	6, 12, 21	€20,000
2021	Municipal Organization for Pre-school Education and Social Solidarity of Tavros Moschato	Education services	6, 12, 17	€10,000
2021	One Way Private Car Company	Telecom services	11, 28, 32	€30,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 19, 2021.

<sup>46</sup> Privacy Affairs, “GDPR Fines Tracker & Statistics,” <https://www.privacyaffairs.com/gdpr-fines/> (accessed December 29, 2021).

## Hungary

Hungary’s National Authority for Data Protection and Freedom of Information issued 45 fines between May 2018 and December 2021, with 12 fines exceeding €10,000 (table A10). With a combined €730,000, Hungary ranks 18<sup>th</sup> among DPAs. Fines cover a variety of industries and sectors, including government, transportation and telecom services, education, and retail.

**Table A10** Hungary National Authority for Data Protection and Freedom of Information fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	Political party	Government	33, 34	€34,375
2019	Event organizer	Event services	5, 6, 13	€92,146
2019	Unknown	Unknown	33	€15,150
2019	Town of Kerepes	Local government	6	€15,100
2020	Digi Tavkozlesi Szolgaltato	Telecom services	5, 32	€288,000
2020	Diechmann Cipokereskedelmi Korlatolt Felelossegu Tarsasagnak	Trading company	12, 15, 18, 25	€54,800
2020	Budapest University of Technology and Economics	Education services	5, 6, 9, 12, 13	€22,200
2020	Unknown	Unknown	5, 6, 9, 12	€97,150
2020	Robinson Tours	Transportation services	25, 32, 34	€55,400
2021	Budapest Fovaros Kormanyhivatala	Local government	5, 6, 12, 13	€27,700
2021	Magyar Telekom Nyrt	Telecom services	5, 6, 12, 17, 25	€28,400
2021	Car importer	Trading services	5, 6, 12, 13	€13,500

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Iceland

Iceland’s Data Protection Authority issued six fines between May 2018 and December 2021, five of which exceeded €10,000 (table A11). At €155,000 in fines, Iceland ranks 25<sup>th</sup> among countries issuing GDPR fines. Several different types of industries, including the Icelandic Ministry of Industry and Innovation (a government agency), were fined during this period.

**Table A11** Iceland Data Protection Authority fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2020	National Center of Addiction Medicine	Medical services	5, 32	€20,600
2021	YAY ef	Transportation services	5, 6, 28, 32	€27,200
2021	Icelandic Ministry of Industry and Innovation	Government agency	5, 6, 7, 13, 25, 28, 32	€51,000
2021	Huppuis ehf	Store	5, 6, 12, 13	€34,000
2021	InfoMentor ehf	Education services	32	€23,100

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Latvia

Latvia’s Data State Inspectorate issued five GDPR fines during the May 2018 to December 2021 period, three of which exceed €10,000 (table A12). With a total of €230,000 in combined fines, Latvia ranks near the bottom (24<sup>th</sup> among DPAs) for GDPR fines.

**Table A12** Latvia Data State Inspectorate fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	Unknown	Unknown	6	€150,000
2020	HH Invest	Financial services	13	€15,000
2021	Lursoft IT SIA	Enterprise services	6	€65,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Liechtenstein

During the May 2018 to December 2021 period, the Liechtenstein Data Protection Authority did not appear to have issued any fines exceeding €10,000, though it did issue a single fine of €4,100 in 2020, although the details of this fine are not publicly disclosed.<sup>47</sup>

## Lithuania

Lithuania’s State Data Protection Inspectorate issued eight GDPR fines during the May 2018 to December 2021 period, six of which exceed €10,000 (table A13). With more than €230,000 in combined fines, Lithuania ranks 23<sup>rd</sup> among DPAs for GDPR fines. Three of these eight fines were issued against government entities.

**Table A13** Lithuania State Data Protection Inspectorate fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	MisterTango UAB	Information services	5, 32, 33	€61,500
2020	Vilnius City Municipality Administration	Local government	5	€15,000
2021	UAB VS Fitness	Fitness services	5, 9, 13, 30, 35	€20,000
2021	Registru Centras	Government agency	32	€15,000
2021	Nacionaliniam visuomenės sveikatos	Government agency	5, 13, 24, 32, 35, 38	€12,000
2021	UAB Prime Leasing	Leasing services	32	€110,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Malta

During the May 2018 to December 2021 period, the Malta Communications Authority did not issue any fines exceeding €10,000, though it did issue a single €5,000 fine in February 2019.<sup>48</sup> This fine was issued against the Lands Authority due to violations of articles 5 and 32 stemming from a data breach where personal data was publicly accessible on the internet.<sup>49</sup>

## Netherlands

The Netherlands Data Protection Authority issued 17 fines between May 2018 and December 2021, with 16 fines exceeding €10,000 (table A14). Combined, these fines were €9.9 million, with the Netherlands ranking 10<sup>th</sup> among nations for GDPR violations. The Dutch DPA issued fines to a variety of industries, including in the medical, insurance, transportation, and internet services sectors. Additionally, the

<sup>47</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

<sup>48</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

<sup>49</sup> Privacy Affairs, “GDPR Fines Tracker & Statistics,” <https://www.privacyaffairs.com/gdpr-fines/> (accessed December 29, 2021).



Netherlands’ November 2021 €2.8 million fine of the Dutch Ministry of Finance for violating articles 5, 6, and 8 represents the largest single fine of a government agency or local government of any EU DPA.

**Table A14** Netherlands Data Protection Authority fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	UWV	Insurance services	32	€900,000
2019	Menzis	Insurance services	5	€50,000
2019	Haga Hospital	Medical services	32	€460,000
2020	Royal Dutch Tennis Association	Sports services	5, 6	€525,000
2020	CP&A	Medical services	9, 32	€15,000
2020	Locatefamily.com	Online services	27	€525,000
2020	Booking.com	Transportation services	33	€475,000
2020	Bureau Krediet Registratie	Government agency	12, 15	€830,000
2020	Unknown	Unknown	5, 9	€725,000
2021	Transavia	Transportation services	32	€400,000
2021	UWV	Insurance services	32	€450,000
2021	Orthodontic Clinic	Medical services	32	€12,000
2021	Municipality of Enschede	Local government	5, 6	€600,000
2021	TikTok	Internet services	12	€750,000
2021	Dutch Ministry of Finance	Government agency	5, 6, 8	€2,750,000
2021	OLVG	Medical services	32	€440,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Norway

Norway’s Data Protection Authority has issued 36 fines under GDPR during the May 2018 to December 2021 period, with 30 fines exceeding €10,000 (table A15). Combined, these fines were more than €9.1 million, with Norway ranking 11<sup>th</sup> among nations for aggregate GDPR fines by value. Similar to Denmark, nearly half of Norway’s fines were issued to local government or Norwegian government agencies, reflecting a trend across several Nordic nations of maintaining significant scrutiny of its own government’s implementation of GDPR regulations.

However, one notable difference between Norway and other Scandinavian DPAs was its decision in December 2021 to issue a fine of 65 million Norwegian kroner (approximately €6.3 million) to U.S.-based LGBT app Grindr, for violating articles 6 and 9 in its former targeted advertising model. With Grindr’s information on users’ sexual orientation, HIV-status, and other potentially sensitive personal data, the Norway Data Protection Authority noted a strong interest in issuing a deterrent-level fine in preventing the sale or misuse of sensitive personal data for other firms in the future.<sup>50</sup>

<sup>50</sup> Datatilsynet, “The NO DPA Imposes Fine against Grindr LLC,” December 15, 2021.

**Table A15** Norway Data Protection Authority fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	City of Bergen	Local government	5, 32	€170,000
2019	Oslo Municipal Education Department	Local government	32	€120,000
2020	Raelingen municipality	Local government	5, 32	€73,600
2020	Coop Finnmark SA	Grocery store	5, 6	€36,800
2020	Indre Ostfold municipality	Local government	6, 32	€18,840
2020	Odin Fliscenter	Ceramics	5, 6	€13,900
2020	Ostfold HF Hospital	Medical services	32	€112,000
2020	Raelingen municipality	Local government	32, 35	€46,660
2020	Telenor Norge	Telecom services	32	€134,000
2020	Bergen municipality	Local government	5, 32	€276,000
2021	Ostre Toten municipality	Local government	5, 32	€412,000
2021	Ultra Technology AS	Technology services	6	€12,500
2021	St Olav's Hospital HV	Medical services	32	€75,600
2021	Hoylandet municipality	Local government	32	€40,200
2021	Ferde AS	Transportation services	5, 28, 32, 44	€496,000
2021	Moss municipality	Local government	32	€49,000
2021	Unknown	Unknown	5, 6, 13, 17, 21	€24,800
2021	BRABank ASA	Banking services	24, 32	€39,700
2021	Innovasjon Norge	Government agency	5, 6	€95,500
2021	Oslo municipality	Local government	5, 6	€39,000
2021	Basaren Drift	Store	5, 6, 13	€19,900
2021	Asker municipality	Local government	5, 6, 32, 24	€100,000
2021	Dragefossen AS	Energy services	5, 6	€14,900
2021	Unknown	Unknown	5, 6	€24,400
2021	Cyberbook	Internet services	5, 6	€19,300
2021	Coop Finnmark SA	Food services	5, 6	€38,600
2021	Unknown	Unknown	5, 6	€38,600
2021	Innovasjon Norge	Government	5, 6	€95,500
2021	Norwegian State Pension Fund	Government	5, 6, 9	€98,000
2021	Grindr	Internet services	6, 9	€6,300,000

Source: CMS, "GDPR Enforcement Tracker - List of GDPR Fines," accessed December 11, 2021.

## Poland

Poland's Supervisory Authority has issued 30 fines for GDPR violations during the May 2018 to December 2021 period, 17 of which exceeded €10,000 (table A16). Combined, Poland has issued more than €2.1 million in fines, placing it 13<sup>th</sup> among DPAs. Poland's fines have affected a variety of industries, including education, sports, insurance, telecom, and government agencies.

**Table A16** Poland Supervisory Authority fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	Data processor	Internet services	14	€220,000
2019	Sports association	Sports services	6	€12,950
2019	ClickQuickNow	Internet services	5	€47,000
2020	ID Finance Poland	Financial services	5, 25, 32	€235,300
2020	Towarzystwo Ubezpieczeń i Reasekuracji WARTA S.A.	Insurance services	33, 34	€18,930
2020	Virgin Mobile Polska	Telecom services	5, 25, 32	€443,000
2020	Surveyor General of Poland	Government agency	5, 6	€22,700
2020	Warsaw University of Life Sciences	Education services	32	€11,200
2020	Office for Geodesy and Cartography	Government agency	31, 58	€22,300
2021	Bank Millennium S.A	Banking services	33, 34	€78,000
2021	Sopockie Towarzystwo Ubezpieczen ERGO Hestia	Insurance services	33, 34	€35,300
2021	Cyfrowy Polsat	Television services	24, 32, 34	€245,000
2021	Enea SA	Energy services	33	€30,000
2021	Krajowa Szkoła Sadoknictwa I Prokuratury	Education services	5, 25, 28, 32	€22,200
2021	Unknown	Unknown	32, 58	€19,000
2021	TUIR Warta	Insurance services	33, 34	€18,850
2021	Morele.net	Internet services	32	€660,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Portugal

Portugal’s National Data Protection Authority has issued four fines for GDPR violations, with two fines exceeding €10,000 (table A17). With a combined value of €420,000, Portugal ranks 20<sup>th</sup> among DPAs in fines issued.

**Table A17** Portugal National Data Protection Authority fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2018	Centro Hospitalar Barreiro Montijo	Medical services	51	€400,000
2019	Unknown	Unknown	15	€20,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Romania

Romania’s National Supervisory Authority for Personal Data Processing has issued approximately 68 fines for GDPR violations during the May 2018 to December 2021 period, though only 11 have exceeded €10,000 (table A18). Combined, these fines have been worth more than €560,000, ranking Romania 19<sup>th</sup> among nations for GDPR fines. Interestingly, the majority of Romania’s fines have implicated banking services firms, with violations of articles 5, 25, and 23 being the most frequent cause.

**Table A18** Romania National Supervisory Authority fines under GDPR, May 2018–December 2021

Year	Fine Recipient	Industry	Articles Violated	Fine (€)
2019	Courier Services Company	Courier services	32	€11,000
2019	Hora Credit IFN	Banking services	5, 25, 32, 33	€14,000
2019	World Trade Center Hotel	Hotel services	32	€15,000
2019	Proleasing Motors	Insurance services	32	€15,000
2019	Vreau Credit	Banking services	32	€20,000
2019	S CNTAR TAROM SA	Transportation services	32	€20,000
2019	ING Bank	Banking services	32	€80,000
2019	Unicredit Bank	Banking services	25	€130,000
2019	Raiffeisen Bank	Banking services	32, 33	€150,000
2020	Banca Transilvania	Banking services	5, 23	€100,000
2021	Telekom Romani Mobile Communications	Telecom services	32	€10,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## Slovakia

Slovakia’s Office for Personal Data Protection has issued two fines, both exceeding €10,000, between the May 2018 and December 2021 period (table A19). With a combined value of €90,000, Slovakia ranks last (27<sup>th</sup>) among GDPR DPAs that have issued fines.

**Table A19** Slovakia Office for Personal Data Protection fines under GDPR, May 2018–December 2021

Year	Fine Recipient	Industry	Articles Violated	Fine (€)
2019	Unknown	Social insurance agency	5, 6	€50,000
2019	Unknown	Slovak Telekom	32	€40,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021

## Slovenia

During the May 2018 to December 2021 period, the Slovenian government did not issue any fines exceeding €10,000.<sup>51</sup> Slovenia is the only EU member state that has not enacted GDPR as part of its national legislation, although it is still bound by the GDPR provisions.

## Sweden

During the May 2018 to December 2021 period, Sweden’s Data Protection Authority issued 24 fines for GDPR violations, 23 of which exceeded €10,000 (table A19). Similar to the other Scandinavian nations noted above, a substantial portion of Sweden’s fines have been issued against local municipalities and government agencies for GDPR violations, as well as a large share of medical services firms and hospitals. In addition, Sweden has issued six fines exceeding €1 million, including its largest, which was issued against U.S. firm Google in 2020 for violating articles 5, 6, and 17. As previously noted in the text box “Durability of Large Fines?,” this fine was reduced in November 2020 by a Swedish administrative court from SEK 75 million (around €7.3 million) to SEK 52 million (around €5.1 million). Combined, Sweden has issued more than €15.3 million in fines, ranking 9<sup>th</sup> among DPAs by GDPR member states.

<sup>51</sup> CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” 2021.

**Table A20** Sweden Data Protection Authority fines under GDPR, May 2018–December 2021

Year	Fine recipient	Industry	Articles violated	Fine (€)
2019	Swedish school board	Government	7	€18,680
2019	Nusvar AB	Information services	6	€35,000
2020	Google	Internet services	5, 6, 17	€5,091,000
2020	Capio St Goran	Medical services	5, 32	€2,900,000
2020	Karolinska University Hospital	Medical services	5, 32	€390,100
2020	Sahlgrenska University Hospital	Medical services	5, 32	€341,300
2020	Vasterbotten region	Local government	5, 32	€243,800
2020	Ostergotland region	Local government	5, 32	€243,800
2020	Aleris Sjokvard	Medical services	5, 32	€1,168,000
2020	Aleris Sjokvard	Medical services	5, 32	€1,463,000
2020	City of Stockholm	Local government	5, 32	€394,000
2020	Gnosjo municipality	Local government	5, 6, 13, 35, 36	€19,500
2020	Health and Medical Board of the Region of Orebro County	Local government	5, 6	€11,200
2020	National Government Service Center	Government agency	33, 34	€18,700
2020	Umea University	Education services	5, 32	€54,000
2020	Uppsalahem AB	Housing services	5, 6	€29,500
2021	Storstockholms Lokaltrafik	Transportation services	5, 6, 13	€1,600,000
2021	Directorate of the Ostra Skaraborg Rescue Services	Local government	5, 32	€34,800
2021	Voice Integrate Nordic	Internet services	32	€64,500
2021	MedHelp AB	Medical services	5, 6, 9, 13, 32	€1,200,000
2021	Stockholm region	Local government	5, 13, 14	€50,000
2021	Varmland region	Local government	5, 13	€25,000
2021	Sormland region	Local government	5, 13	€25,000

Source: CMS, “GDPR Enforcement Tracker - List of GDPR Fines,” accessed December 11, 2021.

## **Appendix B**

# **Largest GDPR Fines Issued by European DPAs, 2018–21**

The Changing Tides of European Union’s General Data Protection Regulation Enforcement Trends

**Table B1** 50 Largest GDPR fines issued by country, year, recipient, industry, and fine (€)

Country	Month, Year	Fine recipient	Industry	Articles violated	Fine (€)
Luxembourg	July 2021	Amazon Europe Core S.a.r.l	E-commerce/retail	Unknown	746,000,000
Ireland	September 2021	WhatsApp Ireland	Internet services	5, 12, 13, 14	225,000,000
France	January 2019	Google	Internet services	6	50,000,000
Germany	October 2020	H&M Hennes and Mauritz Online Shop	E-commerce/retail	5, 6	35,258,708
Italy	January 2020	TIM	Telecom services	5, 6, 17, 21	27,800,000
United Kingdom	July 2019	British Airways	Transportation services	32	22,046,000
United Kingdom	November 2018	Marriott	Hotel services	33	20,450,000
Italy	July 2020	Wind Tre SpA	Telecom services	5, 6, 12, 24, 25	16,700,000
Italy	November 2020	Vodafone Italia	Telecom services	5, 6, 7, 15, 16, 21, 24, 25, 32, 33	12,251,601
Germany	January 2021	Notebookbilliger.de	E-commerce/retail	5, 6	10,400,000
Austria	September 2021	Austria Post	Mail	Unknown	9,500,000
Italy	December 2019	Eni Gas e Luce	Energy services	5, 6, 17, 21	8,500,000
Norway	December 2021	Grindr	Internet services	6, 9	6,300,000
Spain	March 2021	Vodafone Espana	Telecom services	21, 23, 24, 28, 44	8,150,000
Spain	January 2021	Caixabank	Banking services	6, 13, 14	6,000,000
Spain	December 2020	Banco Bilbao Vizcaya Argentaria	Banking services	6, 13	5,000,000
Sweden	March 2020	Google	Internet services	5, 6, 17	5,000,000
Italy	March 2021	Fastweb SpA	Telecom services	6, 7, 12, 13, 21, 24, 25, 32, 33, 34	4,500,000
Austria	January 2021	Bank	Banking services	Unknown	4,000,000
Italy	September 2021	Sky Italia	Transportation services	5, 6, 7, 12, 13, 21, 28, 29	3,296,326
Italy	December 2019	Eni Gas e Luce	Energy services	5, 6	3,000,000
Spain	October 2021	Caixabank Payments and consumer EFC	Banking services	6	3,000,000
Sweden	December 2020	Capio St Goran	Medical services	5, 32	2,900,000
Italy	May 2021	Iren Mercato	Energy services	5, 6, 7	2,856,169
Netherlands	November 2021	Dutch Ministry of Finance	Government	5, 6, 8	2,750,000
Bulgaria	August 2019	National Revenue Agency	Government	32	2,600,000
Italy	June 2021	Foordinho s.r.l	Waste management	5, 13, 22, 25, 30, 32, 35, 37	2,600,000
Spain	July 2021	Mercadona S.A.	Food services	5, 6, 9, 12, 13, 25	2,520,000
Italy	July 2021	Deliveroo Italy	Internet services	5, 13, 22, 25, 30, 32, 35, 37	2,500,000
France	November 2020	Carrefour France	E-commerce/retail	5, 12, 13, 15, 17, 21, 32, 33	2,250,000
Austria	August 2021	Unser O-Bonus Club GmbH	Bonus club program	6, 7, 12	2,000,000

Country	Month, Year	Fine recipient	Industry	Articles violated	Fine (€)
France	July 2020	SGAM AG2R LA Mondiale	Insurance services	5, 13, 14	1,750,000
Sweden	June 2021	Storstockholms Lokaltrafik	Transportation services	5, 6, 13	1,600,000
Spain	May 2021	EDP Energia	Energy services	13, 25	1,500,000
Spain	May 2021	EDP Comercializadora	Energy services	13, 25	1,500,000
Sweden	December 2020	Aleris Sjokvard	Medical services	5, 32	1,463,000
United Kingdom	November 2020	Ticketmaster UK	Internet services	5, 32	1,405,000
Germany	June 2020	AOK	Insurance services	5, 6, 32	1,240,000
Austria	January 2021	Customer loyalty program	Customer loyalty program	Unknown	1,200,000
Sweden	June 2021	MedHelp AB	Medical services	5, 6, 9, 13, 32	1,200,000
Sweden	December 2020	Aleris Sjokvard	Medical services	5, 32	1,168,000
Spain	April 2021	Equifax Iberica	Credit services	5, 6, 14	1,000,000
Cyprus	November 2021	WS WiSpear Systems	Telecom services	5	925,000
Germany	December 2019	1&1 Telecom GmbH	Telecom services	32	900,000
Germany	September 2021	Vattenfall Europe Sales	Energy services	12, 13	900,000
Netherlands	October 2019	UWV	Insurance services	32	900,000
Netherlands	July 2020	Bureau Krediet Registratie	Government	12, 15	830,000
France	November 2020	Carrefour Banque	Banking services	5	800,000
Italy	July 2021	Roma Capitale	Local government	5, 12, 13, 25	800,000
Italy	July 2020	Iliad Italia	Telecom services	5, 25	800,000
				<b>Total (Top 50 fines)</b>	<b>€1.28 billion</b>
				<b>Total (All fines)</b>	<b>€1.32 billion</b>

Source: CMS, "GDPR Enforcement Tracker - List of GDPR Fines," accessed December 11, 2021