

Inquiry into Tusla Child and Family Agency

(IN-18-11-4)

Date of Decision: 12 August 2020

This inquiry was commenced in respect of 71 personal data breaches notified by Tusla to the DPC. The decision considered a broad range of Tusla's processing operations and the findings included:

- 5 distinct findings of infringements of Article 32(1) of the GDPR in respect of Tusla's obligation implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk presented by its various processing operations.
- A finding that Tusla infringed Article 32(4) of the GDPR by failing to take steps to ensure that any natural person acting under their authority does not process personal data except on instructions from Tusla.
- A finding that Tusla infringed Article 5(1)(d) of the GDPR on the four occasions by failing to ensure that the personal data that it processed was accurate and, where necessary, kept up to date.
- A finding that Tusla infringed Article 33(1) of the GDPR on 8 occasions by failing to notify the personal data breaches without undue delay.

The corrective powers exercised

- The decision imposed two distinct administrative fines on Tusla for its infringements of Article 32(1) and Article 33(1) in circumstances where some of the processing operations under consideration were not "the same or linked processing operations" within the meaning of Article 83(3) of the GDPR. The amount of the fines were €50,000 and €35,000 respectively.
- The decision ordered Tusla to bring its processing operations identified in the decision into compliance with Article 32(1) of the GDPR by implementing appropriate organisational measures to ensure a level of security appropriate to the risks.
- The decision issued a reprimand to Tusla regarding its infringements of Articles 5(1)(d), 32(1), 32(4), and 33(1) of the GDPR.