



€114 million in fines have been imposed by European authorities under GDPR



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BREACH NOTIFICATIONS EXCEED 160,000 IN EUROPE SINCE THE INTRODUCTION OF GDPR ACCORDING TO SURVEY BY DLA PIPER

EUROPEAN DATA PROTECTION REGULATORS HAVE IMPOSED €114 MILLION IN FINES UNDER THE GDPR REGIME. A FURTHER €329 MILLION IN FINES HAVE BEEN THREATENED BY THE UK REGULATOR

- **The Nordic countries reported a total of 17.481 data breaches in the period from 28 January 2019 to 27 January 2020.**
- **FRANCE HAS IMPOSED THE HIGHEST FINES TO DATE, WHILE PER CAPITA THE NETHERLANDS TOPS THE RANKINGS FOR BREACH NOTIFICATIONS**
- **DISPARITIES FOUND IN LEVELS OF REPORTING ACROSS EUROPE. ITALY WITH A POPULATION OF MORE THAN 62 MILLION PEOPLE ONLY RECORDED 1886 BREACH NOTIFICATIONS**

Over 160,000 data breach notifications have been reported across the 28 European Union Member States plus Norway, Iceland and Liechtenstein since the GDPR came into force on 25th May 2018. According to DLA Piper's latest GDPR Data Breach Survey, data protection regulators have imposed €114 million (approximately US \$126 million / £97 million) in fines under the GDPR regime for a wide range of GDPR infringements, not just for data breach.

The Nordic countries (Denmark, Sweden, Norway and Finland) reported a total of 17.481 data breaches in the period from 28 January 2019 to 27 January 2020 causing GDPR fines for 819,840 euros in the period from 25 May 2018 to 17 January 2020. France, Germany and Austria top the rankings for the total value of GDPR fines imposed

with just over €51 million, €24.5 million and €18 million respectively. The Netherlands, Germany and the UK topped the table for the number of data breaches notified to regulators with 40,647, 37,636 and 22,181 notifications each.

The daily rate of breach notifications has also increased by 12.6% from 247 notifications per day for the first eight months of GDPR from 25 May 2018 to 27 January 2019, to 278 breach notifications per day for the current year.

Weighting the results against country populations, The Netherlands again came top with 147.2 reported breaches per 100,000 people, up from 89.8 per 100,000 people last year, followed by Ireland and Denmark. Italy, Romania and Greece reported the fewest number of breaches per capita. Italy, a country with a population of over 62 million people, only recorded 1886 data breach notifications illustrating the cultural differences in approach to breach notification.

The highest GDPR fine to date was €50 million imposed by the French data protection regulator on Google, for alleged infringements of the transparency principle and lack of valid consent, rather than for data breach. Following two high profile data breaches, the UK ICO published two notices of intent to impose fines in July 2019 totalling £282 million (approximately €329 million / US\$ 366 million) although neither of these were finalised as at the date of this report.

Commenting on the report, Nordic Head of IP and Technology Marlene Winther Plas said: GDPR has driven the issue of data breach well and truly into the open. The rate of breach notification has increased by over 12% compared to last year's report and regulators have been busy road-testing their new powers to sanction and fine organisations. The total amount of fines in the Nordics imposed to date is relatively low compared to the potential maximum fines that can be imposed under GDPR, indicating that we are still in the early days of enforcement. However, we do expect that the number of fines will increase in the Nordic countries.

Asked whether the high number of data breaches reported in Denmark indicates a low level of data security, the Danish Data Protection Agency has stated that the relatively high number of data breaches is rather a reflection of Denmark being a highly digitalised country combined with people having a high level of trust in public authorities.

Patrick Van Eecke, chair of DLA Piper's international data protection practice, said "The early GDPR fines raise many questions. Ask two different regulators how GDPR fines should be calculated and you will get two different answers. We are years away from having legal certainty on this crucial question, but one thing is for certain, we can expect to see many more fines and appeals over the coming years."

N.B. Not all Member States of the European Economic Area make breach notification statistics publicly available. Many have only provided statistics for part of the period covered by this report so the figures have been rounded up and in some cases extrapolated to provide best approximations. Similarly not all GDPR fines are made public.

